



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 11 2008

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert Rosen
Southeast Metals Inc.
5141 Richmond Road
Cleveland, Ohio 44146

Dear Mr. Rosen:

This is to advise you that the U.S. Environmental Protection Agency has determined that Southeast Metals Inc.'s facility at 5141 Richmond Road, Cleveland, Ohio (Southeast or facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations.

In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. Persons involved in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioner, motor vehicle air conditioner (MVAC), or MVAC-like appliance are required to:

- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through a signed statement by the person from whom the appliance was obtained, that the refrigerant has been recovered from the appliance or shipment of appliances previously.
- 3) In addition, the signed statements obtained must be maintained on-site by the entities that dispose of appliances for a minimum of three years.

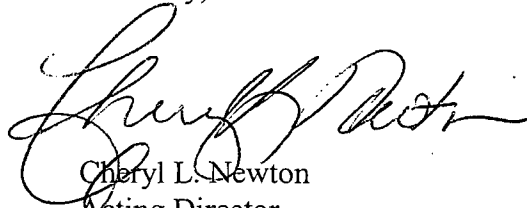
EPA finds that the Southeast facility has violated the above listed regulations from 40 C.F.R. Part 82, Subpart F.

We are offering you the opportunity to request a conference with us about the violations alleged in the FOV. A conference should be requested within 10 days following receipt of this

notice and should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Jamie Iatropulos. You may call her at (312) 886-6024 if you wish to request a conference. EPA hopes that this FOV will encourage Southeast's compliance with the requirements of the CAA.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton". The signature is fluid and cursive, with the first name "Cheryl" being more prominent.

Cheryl L. Newton
Acting Director
Air and Radiation Division

Enclosure:

cc: Richard L. Nemeth, Commissioner
Cleveland Department of Public Health
Division of Air Quality

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Southeast Metals Inc.)	FINDING OF VIOLATION
Cleveland, Ohio)	
)	
Proceedings Pursuant to)	EPA-5-08-OH-28
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	
)	

FINDING OF VIOLATION

Southeast Metals Inc. (you or Southeast) owns and operates a scrap recycling facility at 5141 Richmond Road, Cleveland, Ohio (the facility).

The U.S. Environmental Protection Agency is sending this Finding of Violation to you for failing to reduce emissions of ozone-depleting substances as required at 40 C.F.R. Part 82, Subpart F and the Clean Air Act (CAA).

Explanation of Violations

1. Southeast, as a disposer of appliances, is subject to the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F. The Subpart F regulations contain recycling and emissions reduction requirements for ozone depleting substances. The purpose of the regulations is to reduce emissions of certain refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a). Among the practices required by the regulations is the requirement that recyclers who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioner, motor vehicle air conditioner (MVAC), or MVAC-like appliance:
 - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156, or
 - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must provide a signed statement from the person from whom the appliance or shipment of appliances is obtained that all refrigerant that had not leaked previously has been recovered from the appliances or

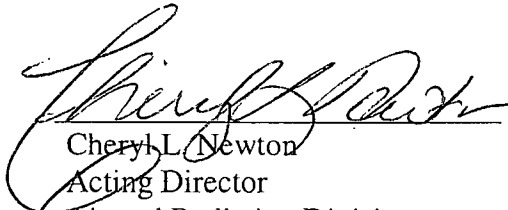
shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered, or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f).

- c. In addition, the signed statements obtained pursuant to 40 C.F.R. § 82.156(f)(2) must be maintained on-site by the entities that dispose of appliances for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).
2. During EPA's April 9, 2008, inspection, Southeast stated that it receives at least one refrigerant-containing appliance or MVAC per day.
3. In response to the Section 114 information request, Southeast stated that it does not recover refrigerant from appliances or MVACs that are brought to the facility.
4. After reviewing Southeast's response to an information request EPA issued pursuant to Section 114 of the CAA, EPA determined that Southeast did not consistently require verification statements attesting that the refrigerant has been evacuated and recovered prior to delivery of the appliances and MVACs to Southeast in lieu of Southeast recovering the refrigerant from the appliance or automobile once on-site.

Environmental Impact of Violations

Violations of the standards for ozone-depleting substances lead to an increase in the depletion of stratospheric ozone ("the ozone layer"). The ozone layer protects humans as well as many plants and animals by filtering harmful ultraviolet radiation from the sun.

8/11/08
Date


Cheryl L. Newton
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Finding of Violation, No. EPA-5-08-OH-28, by Certified Mail, Return Receipt Requested, to:

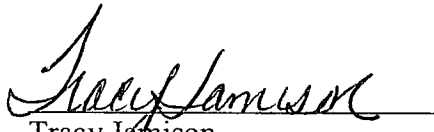
Mr. Robert Rosen
Southeast Metals Inc.
5141 Richmond Road
Cleveland, Ohio 44146

I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Richard L. Nemeth, Commissioner
Cleveland Department of Public Health
Division of Air Quality
Penton Media Building, 4th Floor
1300 East 9th Street
Cleveland, Ohio 44114

on the 12 day of August, 2008.


Tracy Jamison
Office Automation Clerk
AECAS (MI/WT)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0186 2167